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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,324	12/31/2003	Raja Neogi	884.B73US1	4679
21186 7590 12/24/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER				
ALAM, MUSHFIK H				
ART UNIT		PAPER NUMBER		
2426				
MAIL DATE		DELIVERY MODE		
12/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/750,324

**Applicant(s)**

NEOGI, RAJA

**Examiner**

MUSHFIKH ALAM

**Art Unit**

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-8, 14, 16-17, 23-24, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US 6236395) in view of Kim et al. (US 2005/0183121).

Claim 1, Sezan teaches a method comprising:

- receiving a signal (38) having a number of frames into a device (16) coupled to a display (80) (fig. 2);
- retrieving a past viewing profile (user description scheme) for a user of the device and at least one cue (users preference to watch only 5 minutes of a video program) regarding viewing preferences provided by the user (column 5, lines 37-43, column 6, lines 16-20, column 8, lines 30-55); and
- storing at least one sequence (highlights) that is comprised of at least one frame (highlights of video) based on the past viewing profile (user description scheme) of the user of the device and the at least one cue (users preference to watch only 5 minutes of a video program) regarding viewing preferences provided by the user, wherein the at least one sequence (highlight video) is part of and less than all of a program (i.e. particular program) (column 6, line 59-column 7, line 15, col. 8, lines 30-55).

Sezan is does not clearly disclose wherein the at least one cue comprises a characteristic within at least one frame of the number of frames, wherein the characteristic comprises at least one of text in video of the frame and text in closed-captioning of the frame.

Kim teaches wherein the at least one cue (user preferences) comprises a characteristic within at least one frame of the number of frames, wherein the characteristic comprises at least one of text in video of the frame (i.e. scores) and text in closed-captioning of the frame (paragraph [0027]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided spatiotemporal field user preferences as taught by Kim to the system of Sezan because it allows users to set preferences in relevant spatial areas of programming (i.e. scoreboard) (paragraphs [0027]-[0028]).

Claim 2, Sezan teaches the method of claim 1, further comprising updating an electronic programming guide (list of recorded sports events) associated with the user with identification of the at least one sequence (set of title frames) that is stored (column 9, lines 54-65).

Claims 4 and 12, Sezan teaches the method of claim 1, further comprising receiving the at least one cue (user preference) from the user through a multimodal (voice, pointer) interface (column 9, lines 23-36 and lines 54-56).

Claim 5, Sezan teaches the method of claim 3, wherein receiving the at least one cue from the user through the multimodal interface comprises receiving a video sequence (highlights) from the user through the multimodal interface (column 9, line 52-column 10, line 1).

Claim 6, Sezan teaches the method of claim 3, wherein receiving the at least one cue from the user through the multimodal interface comprises receiving an audio sequence (highlights) from the user through the multimodal interface. The system works for both audio and video sources (column 4, lines 6-9 and column 9, line 52-column 10, line 1).

Claim 7, Sezan teaches the method of claim 3, wherein receiving the at least one cue (entering a user preference) from the user through the multimodal interface

comprises receiving text (typing an actor to view, i.e. filtering) from the user through the multimodal interface. The user may enter an actor into his preference scheme (column 4, lines 59-65, column 5, lines 37-43, column 6, lines 39-58)

Claim 8, Sezan teaches the method of claim 1, further comprising updating an electronic programming guide associated with the user based on the past viewing profile for the user of the device (column 9, lines 54-65).

Claim 14 is analyzed as an apparatus of claim 1.

Claim 16 is analyzed as an apparatus of claim 2.

Claim 17 is analyzed as an apparatus of claim 7.

Claim 23, this claims differs from claim 1 only in that "a machine readable medium" is additionally recited, which is inherently provided by the system of Sezan to perform the steps in claim 1.

Claim 24, this claims differs from claim 2 only in that "a machine readable medium" is additionally recited, which is inherently provided by the system of Sezan to perform the steps in claim 2.

Claim 26, this claims differs from claim 2 only in that "a machine readable medium" is additionally recited, which is inherently provided by the system of Sezan to perform the steps in claim 2.

5. Claims 3, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US 6236395) in view of Kim et al. (US 2005/0183121), and further in view of Begeja et al. (2004/0025180).

Claim 3, Sezan teaches the method of claim 1, wherein storing the at least one sequence (5 minute highlight) based on the past viewing profile (user description scheme) of the user of the device and the at least one cue (basketball games) regarding viewing preferences provided by the user.

Sezan, Kim are silent regarding generating weighted scores for the number of frames based on a programming type for a program in a channel of the signal.

Begeja teaches generating weighted scores for the number of frames based on a programming type (relevance to a user) for a program in a channel of the signal paragraph [0118]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided weighted scores for user profiles as taught by Begeja to the system of Sezan, Kim to provide an indication regarding the relevance to the user's interests (paragraph [0118]).

Claim 15 is analyzed as an apparatus of claim 3.

Claim 25, this claim differs from claim 3 only in that "a machine readable medium" is additionally recited, which is inherently provided by the system of Sezan to perform the steps in claim 3.

6. Claims 9-13, 18-22, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable Sezan et al. (US 6236395) in view of Kim et al. (US 2005/0183121), and further in view of Gutta et al. (US 2003/0163816).

Claim 9, Sezan teaches a method comprising:

- receiving a signal (38) having a number of frames into a device (16) coupled to a display (80) (fig. 2);
- retrieving at least one cue (5 minute highlights) related to preferences of a viewer of the display, wherein the at least one cue is selected from the group consisting of a video sequence (highlights of basketball game) (column 9, line 35-column 10, line 1)

performing the following operations for a frame of the number of frames:

- comparing between at least one characteristic of the frame and the at least one cue (column 6, lines 39-44); and
- wherein a number of the frames (highlights) stored is part of and less than all of a program (5 minute highlight video) (col. 8, lines 30-55).

Sezan, Kim are silent regarding a method comprising:

- generating a match score;
- storing the frame upon determining that the match score for the frame exceeds an acceptance threshold.

Gutta teaches a method comprising:

- generating a match score (by comparing keywords) (paragraph [0022]).



- storing the frame upon determining that the match score for the frame exceeds an acceptance threshold (threshold value) (see paragraphs [0019] and [0022]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided matching processing as taught by Gutta to the key frame detection of Sezan, Kim to receive information relating to the user preferences (see paragraph [0020]).

Claim 10, Gutta teaches the method wherein performing the following operations for the frame of the number of frames further comprises deleting the frame upon determining that the match score for the frame does not exceed the acceptance threshold. If the data does not exceed the threshold it is not stored for subsequent retrieval (see paragraph [0022]).

Claim 11, Sezan teaches the method further comprising updating an electronic programming guide associated with the user with identification of the frames of the number of frames (5 minutes worth) that are stored (column 9, lines 54-65).

Claim 13, Sezan teaches the method wherein comparing between the at least one characteristic of the frame and the at least one cue comprises generating the match score based on at least two comparisons between at least two characteristics (location and size) and at least two cues (user preferences), wherein the at least two comparisons (comparisons are made for all preferences) are weighted (importance) based on a programming type (important moments of a basketball game) for a program

of which the number of frames are within (column 5, lines 10-32, column 6, lines 39-48, column 9, lines 60-65).

Gutta teaches teaches the method wherein generating the match score (paragraph [0022]).

Claim 20, Gutta teaches the system wherein the at least two characteristics in the frame are selected from the group consisting of text (key words) and audio (audio/video segments) (paragraphs [0019] and [0022]).

Claim 18 is analyzed as an apparatus of claim 9.

Claim 19 is analyzed as an apparatus of claim 13.

Claim 21 is analyzed as an apparatus of claim 12.

Claim 22 is analyzed as an apparatus of claim 11.

Claim 27, this claims differs from claim 9 only in that "a machine readable medium" is additionally recited, which is inherently provided by the system of Sezan to perform the steps in claim 9.

Claim 28, this claims differs from claim 10 only in that "a machine readable medium" is additionally recited, which is inherently provided by the system of Sezan to perform the steps in claim 10.

Claim 29, this claims differs from claim 11 only in that "a machine readable medium" is additionally recited, which is inherently provided by the system of Sezan to perform the steps in claim 11.

Claim 30, this claims differs from claim 13 only in that "a machine readable medium" is additionally recited, which is inherently provided by the system of Sezan to perform the steps in claim 13.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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12/11/2008

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